

## United States District Court

DISTRICT  
OF Southern CaliforniaRECEIVED  
08 JAN 29 2008  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
AM 10:31

In the Matter of the Search of  
 (Name, address or brief description of person or property to  
 Express Mail parcel # EB 592871279 addressed to Carlos  
 Flores, Calle 13 EE 4 Villa del Ray, 4<sup>th</sup> Seccion, Caguas,  
 Puerto Rico, 00725 from Clarisa Flores, Tequila Way 3AB,  
 Chula Vista, CA 91910

## APPLICATION AND AFFIDAVIT

## FOR SEARCH WARRANT

'08 MJU 264  
CASE NUMBER:

I, Kimberly A. Kelly being duly sworn depose and say:

I am a(n) U. S. Postal Inspector and have reason to believe  
Official Titlethat on the premises known as Express Mail parcel # EB 592871279 addressed to Carlos Flores, Calle 13  
EE 4 Villa del Ray, 4th Seccion, Caguas, Puerto Rico, 00725 from Clarisa Flores, Tequila Way 3AB,  
Chula Vista, CA 91910

which is in the custody of the U. S. Postal Inspection Service

in the Southern District of California

there is now concealed property, namely (describe the person or property)

Controlled substances, materials, and documents reflecting the distribution of controlled  
substances through the United States Mail, including money paid for controlled substances,  
in violation of Title 21, United States Code, Sections 841(a)(1), 843(b) and 846

which is evidence and contraband

in violation of Title 21 United States Code, Section(s) 841(a)(1), 843(b) and 846.

The facts to support the issuance of a Search Warrant are as follows:

See attached.

Continued on the attached sheet and made a part hereof.

 Yes  No

Signature of Affiant

Sworn to before me, and subscribed in my presence

1/29/08  
Dateat San Diego, CA  
City and StateBARBARA L. MAJOR  
U.S. MAGISTRATE JUDGEU.S. Magistrate Judge  
Name and Title of Judicial Officer

Signature of Judicial Officer

## AFFIDAVIT FOR SEARCH WARRANT

I, Kim Kelly, being duly sworn hereby depose and state:

1. I am a United States Postal Inspector currently assigned to the San Diego Field Office of the Postal Inspection Service and my duties include investigating crimes against the U.S. Postal Service and the use of the mail including violations of the Drug Abuse Prevention and Control Act.
2. This affidavit is submitted in support of an application for a search warrant for the following: Express Mail parcel EB 592871279 US which is addressed to Carlos Flores, Calle 13 EE4, Villa del Rey 4<sup>th</sup> Seccion, Caguas, Puerto Rico 00725 from Clarisa Flores, Tequila Way, 3AB, Chula Vista, CA 91910. This parcel weighs 11 pounds and 7 ounces.
3. I have been a federal agent for 17 years and employed as a Postal Inspector since July 2007.

From Sep 87-93, while employed with the Naval Criminal Investigative Service, I was assigned to investigate narcotics violations.

4. In July 2007, I received specialized training from the U.S. Postal Inspection Service in the following two areas; Investigations involving the use of the U.S. Mails to transport controlled substances and proceeds from the sale of controlled substances; and investigations involving the use of Postal Money Orders and other negotiable instruments to launder the proceeds of controlled substances transactions
5. Based upon my overall experience, specialized training and discussions with other Postal Inspectors and narcotics agents, I know the following in summary:
  - a. Individuals who regularly handle controlled substances can leave the scent of controlled substances on the currency and other items they handle. Proceeds from these sales are often stored in close proximity to the controlled substances, thereby transferring the odor

1 of the controlled substance to the monies and packaging materials. Narcotic canines are  
2 trained to alert on the scents of controlled substances.

3 b. The Postal Inspection Service and DEA Narcotic Task Force Commercial Interdiction  
4 Team have worked aggressively to limit the use of shipping companies and the U.S. Mail  
5 for the transportation of controlled substance through these companies.

6 c. Ongoing investigations have disclosed that Express (overnight) and Priority (two day)  
7 parcel deliveries have become a method of choice by drug dealers for the transportation  
8 of contraband or the proceeds of narcotic sales.

9 d. I know that Southern California is a source region for controlled substances being mailed  
10 throughout the United States. The proceeds from these narcotic transactions are then  
11 transported via the U.S. Mails and other communication facilities back to Southern

12 13 California, the source of the controlled substances.

14 e. Drug dealers prefer the U.S. Mail, (but will sometimes utilize commercial shipping  
15 companies), specifically Express Mail or Priority Mail, for the narcotic or narcotic  
16 proceeds transportation for various reasons, some of which are listed below:

17 18 19 20 21 22 23 24 25 26 27 28

1. Items sent via Express Mail or Priority Mail are considered to be first-class mail,  
therefore, cannot be examined without a Federal Search Warrant.
2. Express Mail is usually requested to be delivered by the next day's mail.
3. Priority Mail is usually requested to be delivered within two days of mailing.
4. Dispatch times for Express Mail are specific and are controllable by the  
mailer/shipper.
5. Any delay to the mail is an indication to the mailer the mail items have been  
possibly compromised by law enforcement agencies to obtain a search warrant.

1           6. While it is not always the case that a delay of Express Mail or Priority Mail is for  
2           law enforcement purposes, those involved in illegal transactions have found that  
3           the odds are against delays in deliveries of Express Mail or Priority Mail by  
4           United States Postal Service.

5           7. Express Mail and Priority Mail may weigh up to 70 pounds and is desired for  
6           large volume shipments.

7           f. Businesses are more likely to use Express Mail and Priority Mail than First-class Mail  
8           in the course of normal business and will often use an Express Mail Corporate  
9           Account Number for the billing of the mailed articles.

10           g. Criminals who are involved in trafficking of controlled substances and drug proceeds  
11           will often receive multiple Express Mail articles within a short time period of each  
12           other.

13           h. Criminals who are involved in trafficking of controlled substances and drug proceeds  
14           will often use multiple Post Office Boxes, Commercial Receiving Agencies,  
15           addresses in foreign countries, and legitimate names and addresses of persons other  
16           than their own, or occupants at the residence, in order to receive controlled substances  
17           and/or proceeds/monetary instruments at their residence under names and residences  
18           other than their own to avoid suspicion and in an effort to conceal their true identities  
19           and place of residence.

20           i. I also know that drug orders containing currency, checks or money orders sometimes  
21           do not contain the presence of controlled substances because persons involved in  
22           shipping often utilize packing methods and sanitation procedures to conceal the odor  
23           or controlled substances.

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1 j. I also know from talking to U.S. Postal Service Supervisors and employees  
2 responsible for handling the mail that Express Mail is insured for up to \$100 in case  
3 of loss or damage. Insurance for Priority Mail may be purchased at an additional fee.  
4 Customers are discouraged from sending U.S. currency via the U.S. Mails and are  
5 encouraged to purchase negotiable instruments as a means to send currency by the  
6 U.S. Postal Service.  
7

8 6. The information in this affidavit is based upon information I have gained from my investigation,  
9 my personal observations, my training and experience as well as information related to me by  
10 other Postal Inspectors and law enforcement officers. Since this affidavit is being submitted for  
11 the limited purpose of securing a search warrant, I have not included each and every fact known  
12 to me concerning this investigation.  
13

14 7. On January, January 25, 2008, the Chula Vista Post Office (CVPO) contacted the US Postal  
15 Inspection Service regarding Express Mail parcel EB 592871279 US. The CVPO advised the  
16 parcel had an incomplete return address and was wrapped in an unusual way. The outer box was  
17 wrapped with bubble wrap and the Express Mail label was affixed to the outside of the bubble  
18 wrap.  
19

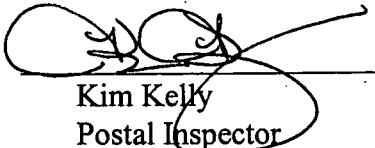
20 8. I became suspicious of the Express Mail parcel for the following reasons: the label was  
21 handwritten as opposed to typewritten; the telephone number listed on the label for the sender  
22 was disconnected; and the address provided for the sender was incomplete. Database inquiries  
23 determined the recipient's name and address were accurate.  
24

25 9. On January 28, 2008, I met with Probation Officer Michael J. Anderson, and his trained narcotic  
26 detection canine, Kilo , at the La Mesa, CA, Police Department. Probation Officer Anderson  
27 and Kilo conducted an exterior inspection of the subject parcel. When Kilo examined the parcel  
28 described above, Probation Officer Anderson advised Kilo did alert to the presence of the odor

1 of controlled substances in the parcel. The qualifications of canine Kilo are contained in  
2 attachment A.

3 10. Based on the facts set forth in this affidavit, I submit that there is probable cause to believe  
4 controlled substances, notes and/or currency from the illegal sale and mailing of controlled  
5 substances is being concealed in the subject parcels as described above and seek the issuance of  
6 a search warrant directing the search of the article as described above and the seizure of the  
7 article, any controlled substances, currency, and/or materials and documents reflecting the  
8 distribution of controlled substances, all in violation of Title 21, United States Code, Sections  
9 841(a)(1), 843(b), and 846.

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Kim Kelly  
Postal Inspector

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15 Sworn to before me, and subscribed in my presence, on this 28<sup>th</sup> day of January, 2008.

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ATTACHMENT A  
For  
Michael J. Anderson and K-9 Kilo

I have been a Probation Officer for the San Diego County Probation Department for the past 17 years and am currently assigned to the East County Gang Task Force as well as the Probation Department's Narcotic K-9 handler. I have assisted the Jurisdictions Unified for Drug and Gang Enforcement (J.U.D.G.E.), San Diego Integrated Narcotics Task Force (NTF), Field Action Specialty Team (FAST), Drug Enforcement Agency (DEA), San Diego Sheriffs Narcotic Teams, and local Post Offices as well as the San Diego Police Department in searches for narcotics. I am a member of the California Narcotics Officers Association as well as the California Narcotic Canine Association. I have participated in over 200 arrests of persons for violations of controlled substances laws particularly involving marijuana, methamphetamine, heroin and cocaine. I have received formal training and field experience in identification of all types of controlled substances, particular those mentioned above, by sight and odor as well as the manner in which the said substances are packaged, marketed and consumed.

On July 2003, I was assigned the responsibility of training and working with the San Diego Probation Department's narcotic K-9, Kilo, ID#K1. Between July and August 2003, San Diego Police Officer Steve Sloan trained Kilo and myself in the area of narcotics. Kilo and I have been involved in training exercises where known controlled substances, containers, or paraphernalia were hidden. Kilo's alert consists of physical and mental reactions, which include a heightened emotional state and coming to a complete "sit" when his physical position allows.

On August 16, 2003 after 40 hours of training in the detection of marijuana, heroin, methamphetamine and cocaine, California Narcotics Canine Association certifying official Tom Iverson certified Kilo as 100% proficient in the detection of the same. On November 14, 2003, Kilo was re-certified by California Narcotics Canine certifying official Tom Moore.

On May 3, 2005, Kilo was re-certified by California Narcotics Canine certifying official Mary Bohnnett.

On March 31, 2006, Kilo was re-certified by California Narcotics Canine certifying official Joe Priebe.

On December 6, 2006, Kilo was re-certified by California Narcotics Canine certifying official Joe Priebe.

Prior to Kilo and myself becoming certified as a team, Kilo received 100 hours of training in the detection of marijuana, heroin, methamphetamine and cocaine by California Narcotics Canine Association certifying official Mary Bohnnett. To date, Kilo has completed an excess of 400 hours of training.

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